IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24057 of 2004

Between:

Bojja Janardhan, S/o. Mogilaiah,
R/o.Chennuru Village, Dagadarthi Mandal, Nellore District**.**

... PETITIONER

AND

1 Joint Collector, Nellore Nellore District.
2 Reveue Divisional Officer, Kavali, Nellore District.
3 Mandal Revenue Officer, Dagadarthi Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, or direction more particularly one in the nature of a Writ of Mandamus under Article 226 of the constitution of India, declaring the action of the 1st respondent in not staying the operation of the orders of the 2nd respondent in his Proceeding Rc.No. 2410/2004 dt. 12-10-2004, pending the appeal dt. 17-12-2004 before the 1st respondent and the action of the respondents 2 and 3 in seeking to dispossess the petitioner from Ac.1-98 cents in S.No. 739/1 and Ac. 1-98 in 739/2 in all Ac. 3-96 cents of dry land situated in Chennuru Village, Dagadarthi Mandal, Nellore Dsitrict, pending the appeal, as illegal, arbitrary, unjust and violative of Articles 14, 19(1) (g) and 21 of the constitution of India and consequently stay the operation of the orders of the 2nd respondent appealed against pending the appeal before the 1st respondent.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

2. In this writ petition, petitioner is challenging the order dated 10-08-2004 passed by the second respondent in R.C.No.2410/2004 in respect of Ac.1.98 cents of dry land comprised in Sy.No.739/1 and Ac.1.98 cents of dry land in Sy.No.739/2 of Chennur Village, Dagadarthi Mandal, Nellore District. The impugned orders were passed by the second respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It is submitted that against the orders passed by the second respondent, petitioner already preferred an appeal before the first respondent – Joint Collector, under Section 5 of the Act, which is pending on the file of the first respondent and the respondents are trying to evict the petitioner without passing any orders on the appeal.

3. In the circumstances, the writ petition is disposed of directing the first respondent – Joint Collector to consider the appeal and the stay application said to have been filed by the petitioner and pass appropriate orders either on the stay application or the appeal, in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

December 23, 2004

MRR / TVK

ASSISTANT REGISTRAR

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SECTION OFFICER

Copy to:

1 Joint Collector, Nellore Nellore District.
2 Reveue Divisional Officer, Kavali, Nellore District.
3 Mandal Revenue Officer, Dagadarthi Mandal, Nellore District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

5 Two C.D. Copioes.